IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

WP(C).No. 21558 of 2007(N)

PETITIONER:

SEBASTIAN, AGED 44, KARIKAVAYALIL,
ANTHINAD P.O., ERATTUPETTA.

BY ADV. SRI.N.K.MOHANLAL

RESPONDENTS:

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1. KOTTAYAM DISTRICT CO-OPERATIVE SOCIETY LIMITED, KOLLAPPALLY BRANCH, REPRESENTED BY ITS SECRETARY.

2. AUTHORISED OFFICER, KOTTAYAM DISTRICT CO-OPERATIVE BANK LIMITED, HEAD OFFICE, KOTTAYAM.

3. JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES, KOTTAYAM.

BY ADV. SRI.P.A.RABEEZ
SRI.T.R.HARIKUMAR
R1 & R2 BY SRI.SUNIL CYRIAC,SC,DIST.CO-OP,BANK,KTM
R3 BY GOVERNMENT PLEADER (SMT. ANU SIVARAMAN)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 21558 OF 2007 N

Dated this the 25th July, 2007

JUDGMENT

Petitioner stood a surety for a loan taken from the first respondent Bank. It appears that the wife of the petitioner and his mother had approached this Court and obtained Ext.P1 Judgment. This Court disposed of the Writ Petition with certain directions. The contention of the petitioner is based on Rule 8 (5) of the Security Interest (Enforcement) Rules, 2002. According to petitioner, only the portion necessary to clear the arrears should be sold. I heard the learned counsel appearing for the respondent Bank also. He submits that Rule 8(5) of the Rules will be strictly followed. The Writ Petition is disposed of directing the second respondent to strictly follow the mandate of Rule 8(5) of the Rules in the matter of effecting sale of the property of the petitioner.

K. M. JOSEPH, JUDGE

kbk.